

The Office Action rejected Claims 33-38 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,631,699 (*Saito*); Claims 1-5, 7, 8, 10-18, 20-23 and 28-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,247,330 (*Ohyama et al.*), in view of *Saito*, and further in view of U.S. Patent No. 4,939,580 (*Ishikawa et al.*); and Claims 6, 9 and 19 were rejected 35 U.S.C. § 103(a) as being unpatentable over *Ohyama et al.* in view of *Saito*, U.S. Patent No. 5,940,128 (*Morimura*) and *Ishikawa et al.*, and further in view of European Patent No. 617,562 (*Mizoguchi*). Cancellation of Claims 1-13 and 33-38 renders their rejections moot.

Applicant submits that independent Claims 14 and 28, together with the remaining claims dependent thereon, are patentably distinct from the cited prior-art for at least the following reasons.

Claim 14 is directed to an image input device for picking up images of one subject or more by switching of an image pickup direction. The image input device includes an image pickup unit adapted to pick up an image of a subject and to output an image signal corresponding to the picked-up image and an image pickup direction switch adapted to switch the image pickup direction of the image pickup unit. The device also includes a first detection unit adapted to detect a change of an angle of the image pickup direction and a control unit is adapted to automatically store an image signal including a predetermined angle in a storage unit, in accordance with detecting a change of the image pickup direction by the first detection unit.

One important feature of Claim 14 is that the control unit automatically stores an image signal with a predetermined angle in a storage unit when a change of an angle of the image pickup direction is detected by the first detection unit. Even if the

image pick-up is turned in a direction such that the angle is different from the predetermined angle, the image signal can still be output at the predetermined angle. As described at pages 17 and 18 of the specification, troublesome operations of resetting image pickup conditions, for example, controlling lighting and the white balance, can be omitted, and it is possible to avoid the difficulty of manually changing the image pickup direction of the image pickup unit and selecting storage, thus enhancing operability.

Ohyama et al. relates to an input image device for providing transmission illumination necessary for inputting an image of a transmission original. It is stated at page 9 of the Office Action that *Ohyama et al.* fails to teach or suggest a first detection unit adapted to detect an angle of the image pickup direction. Applicant submits that if nothing in *Ohyama et al.* would teach or suggest detecting an angle of the image pickup direction, then *a fortiori* nothing in *Ohyama et al.* would teach or suggest "a first detection unit adapted to detect a change of an angle of the image pickup direction", as recited in Claim 14. It follows also that nothing in *Ohyama et al.* would teach or suggest a control unit that to automatically stores an image signal including a predetermined angle in a storage unit, in accordance with detection of a change of the image pickup direction by such first detection unit, as recited in Claim 14.

Accordingly, Applicant submits that Claim 14 is clearly allowable over *Ohyama et al.* taken alone.

Saito, as understood by Applicant, relates to a method for using a stationary compact video camera as a visual telephone. Apparently, the *Saito* device includes an acceleration sensor which detects the position of the video camera, as defined by whether the camera is placed on a mount, or on a table for close-up photography (see col. 7, lns.

26-32). The *Saito* apparatus apparently detects the position of the camera, based upon its distance from an object. Nothing has been found in *Saito* that would teach or suggest detecting an angle of an image pickup direction, much less detecting a change in such angle, as recited in Claim 14.

Accordingly, Applicant submits that Claim 14 is clearly allowable over *Saito* taken alone, or in any possible combination (if any) with *Ohyama et al.*

Morimura relates to an image input device for converting an image of an original into an image signal, and inputting the image signal into an image processing part, and storing the image signal in a first frame memory 5 in the latter (*see* col. 3, lines 65, to col. 4, line 40). The stored image signal in the first frame memory 5 is supplied to an original detecting circuit 7, in which the external border of the original is detected, and the detected information is supplied to a Hough transformation circuit 9, in which a rotational angle (apparently, the angle at which the border of the image is oriented) is obtained, and a computing circuit 8 applies a rotating computation procedure to the image information stored in the first frame memory 5 on the basis of the rotational angle obtained by the Hough transformation circuit 9, to correct the inclination of the original 4. The corrected inclination of the image of the original 4 is stored in a second frame memory 6. Applicant submits that nothing in *Morimura* would teach or suggest detecting a change of an angle of an image pickup direction, much less automatically storing an image signal including a predetermined angle in a storage unit, in accordance with detecting a change of the image pickup direction by said first detection unit, as recited in Claim 14. Moreover, even if this patent is combined with *Ohyama et al.* and *Saito* in the manner proposed in the Office Action, the result would not teach or support detecting a change of an angle of an image

pickup direction or automatically storing an image signal including a predetermined angle in a storage unit, as recited in Claim 14.¹

Accordingly, Applicant submits that Claim 14 is clearly allowable over *Morimura* taken alone, or in combination with *Ohyama et al.* and *Saito*.

Ishikawa et al. relates to an apparatus for reading a picture including an image pickup means having a photo-interrupter and a movable member whose movable range is regulated by a pin, a direction detection part that detects the direction of image pickup means and an image memory that stores pixel data. An image inversion signal is provided when the direction detecting part detects that the image pickup means is in a certain position. Applicant submits that the *Ishikawa et al.* device merely prevents the video signal from being outputted while the pickup means is moving. Nothing has been found in *Ishikawa et al.* that would teach or suggest detecting a change of the image pickup direction, as recited in Claim 14.

Accordingly, Applicant submits that Claim 14 is clearly allowable over *Ishikawa et al.* taken alone.

Further, Applicant respectfully submits that the mere fact that *Ohyama et al.*, *Saito*, *Morimura* and *Ishikawa et al.* do not teach away from detecting a change of an angle of the image pickup direction does not mean it would have been obvious to one of ordinary skill in the relevant art to detect such a change.

It is well known that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is

¹/From the Official Action, Applicant believes that the Examiner agrees with this.

some teaching, suggestion, or motivation to do so, found either in the prior art references themselves or in the knowledge generally available to one of ordinary skill in the art. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); MPEP 2143.01. The references must be viewed without the benefit of impermissible hindsight vision gleaned from Applicant's disclosure. Hodosh v. Block Drug Co., Inc., 786 F.2d 1136, 1143 n.5, 229 USPQ 182, 187 n.5 (Fed. Cir. 1986); MPEP 2141.

In the present case, each of the cited references includes an image pickup for outputting image signals corresponding to the picked-up image. None of the cited references, however, suggests automatically storing an image signal including a predetermined angle in a storage unit, in accordance with detection of a change of an angle of an image pickup direction, as recited in Claim 14. Moreover, there is not seen to be any reason, based on those documents or on the general knowledge of one of merely ordinary skill, to use the *Ishikawa et al.* device in any combination of the systems of the other three references to do what Claim 14 recites: that is, automatically storing an image signal including a predetermined angle in a storage unit, in accordance with detection of a change of an angle of an image pickup direction. The only suggestion in that direction is Applicant's own disclosure, which of course may not be used as the bases of a rejection. Therefore, Applicant respectfully submits that a rejection of Claim 14 based on only those four documents, would necessarily be based on impermissible hindsight, or on Applicant's own disclosure.

Accordingly, Applicant submits that Claim 14 is patentable over the cited art, and respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a).

Independent Claim 24 is a method claim corresponding to apparatus Claim

14 and is believed to be patentable for at least the same reasons as discussed above in connection with Claim 14.

A review of the other art of record has failed to reveal anything that, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as applied against the independent claims herein. Therefore, those claims are respectfully submitted to be patentable over the art of record.

The other claims in this application depend from one or another of the independent claims discussed above, and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

This Amendment After Final Action is believed clearly to place this application in condition for allowance and, therefore, its entry is believed proper under 37 C.F.R. § 1.116. At the very least, however, it is believed clear that the formal rejections have been overcome with regard to the 35 U.S.C. § 112, first paragraph rejection. Accordingly, entry of this Amendment After Final Action, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicant's undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office

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Respectfully submitted,

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